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Growing Alaska Through Responsible Resource Development

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January 27, 2012

Mr. Horst Greczmiel

Associate Director

National Environmental Policy Act Oversight

Council on Environmental Policy

722 Jackson Place, N.W.

Washington, D.C. 20503

Re: CEQ Draft Guidance – Promoting Efficient NEPA Environmental Reviews

Dear Mr. Greczmiel:

The Resource Development Council (RDC) is writing to offer its comments regarding the Council on Environmental Quality's (CEQ) draft guidance, "Improving the Process for Preparing Efficient and Timely Environmental Reviews Under the National Environmental Policy Act (NEPA)."

RDC is a statewide, non-profit, membership-funded organization founded in 1975. The RDC membership is comprised of individuals and companies from Alaska's oil and gas, mining, timber, tourism, and fisheries industries, as well as Alaska Native corporations, local communities, organized labor, and industry support firms. RDC's purpose is to link these diverse interests together to encourage a strong, diversified private sector in Alaska and expand the state's economic base through the responsible development of our natural resources.

The NEPA process has very serious impacts on RDC members involved in permitting energy, mining, and other natural resource development projects on the vast federal land holdings in Alaska, and on state, Native corporation and other private lands where federal permits are required. Unfortunately, many of these projects – both onshore and offshore – have experienced extensive multi-year permitting delays, administrative appeals, and litigation from third parties, hampering the economy and holding back thousands of job opportunities for Alaskans and other citizens across the Lower 48 states.

In general, RDC agrees with the overall vision outlined by CEQ in its draft guidance.

However, in our view, it does not reflect the reality of how the NEPA process often evolves through the actions of federal regulators. RDC has supported efforts to study whether the original intent of NEPA was being fulfilled and the economic impacts the law has had on the economy. Likewise, our association has supported efforts to improve and update NEPA to facilitate projects that will strengthen the economy, create jobs, and at the same time, protect the environment.

RDC is a member of the Western Business Roundtable and would like to take this opportunity to fully endorse the Roundtable's January 27, 2012 comments on the CEQ draft guidance.

RDC agrees with the Roundtable in that CEQ's actions and efforts under the Obama administration have expanded federal authority away from regulatory efficiency, resulting in

delays and complications, at a time when regulatory efficiency is needed to advance projects that would boost the American economy.

Both RDC and the Roundtable recognize that the original intent of NEPA was to have a reasonable process to evaluate how best to carry out human activities on lands requiring federal permits or other approvals, with appropriate consideration given to the effects those activities may have on the environment. Unfortunately, that intent has become distorted as third parties have increasingly used the statute to oppose projects that would help sustain and grow the economy. The law has been increasingly used to delay and obstruct, while investors have moved forward with projects overseas, creating jobs abroad and strengthening foreign economies. Meanwhile, the U.S. economy continues to stagnate with chronically high unemployment.

RDC agrees with the following recommendations for NEPA reform, as outlined in the Roundtable's comments of January 27:

- ***Implement mandatory timelines where federal agencies are held to reasonable deadlines and milestones.***
- ***Redefine major federal actions to include only new or continuing projects that would require substantial planning, time, resources or expenditures.*** A specific definition of "substantial" would afford greater certainty.
- ***Programmatic documentation should be used to decrease the need for environmental impact statements.***
- ***Identify a lead agency to coordinate reviews.*** All participating agencies should be subordinate to the lead agency and all agencies must be focused on the fact that NEPA is a process statute. The Environmental Protection Agency (EPA) has a history of treating NEPA as a proxy for a permitting regime and has sought to inject inappropriate considerations into the process.
- ***Prevent redundant NEPA analyses.*** Today, some projects and lands can be subjected to multiple tiers of NEPA review, each requiring years to complete. Please see specific recommendations in the Roundtable's most recent comments.
- ***Narrowly define "Reasonable Alternatives" by requiring complete economic impacts and technical feasibility analyses.*** Reasonable alternatives analyzed in NEPA documents should be limited to those options which are economically and technically feasible. Without adequate economic analyses, the public is denied the critical information required to reach a fair and balanced outcome. In addition, the "reasonable alternatives" analysis process should streamline the number of alternatives proposed by the agencies. Project opponents frequently misuse the NEPA process to delay and expand the scope of environmental analysis, with the ultimate objective of rendering a project uneconomic. One way of accomplishing such an outcome is to force federal agencies to consider so many alternatives that the process is delayed and projects costs skyrocket. NEPA reforms should ensure that proposed alternatives are reasonable and are focused on the actual purpose and needs of the project under review. This will help ensure that reasonable, technologically achievable, and economically feasible alternatives are considered.
- ***Require analyses to include "Statement of Effects" on domestic energy and minerals.*** Any NEPA reform must require that impacts on energy and mineral production are properly considered and are conveyed to the administration and the public for all alternatives under consideration.
- ***Limit the length of EIS documents.*** RDC agrees with the Roundtable that EIS page limits should be required to ensure crisp and clear analysis.
- ***Give weight to local comments.*** Issues and concerns raised by interests within a state should be given more weight than comments from outside groups and individuals who are not directly affected by a specific project or proposal. For example, comments by the State of Alaska, its residents, and other entities within the 49th state, should be given more

weight on energy projects on federal lands – both offshore and onshore – in the arctic, given oil and gas production is the lifeblood of the state's economy.

- ***Allow state environmental review process to satisfy NEPA.*** CEQ should write regulations to allow state environmental reviews to satisfy NEPA requirements, when such reviews meet federal requirements.
- ***Evaluate EPA's NEPA process role and eliminate in states having primacy for the Clean Air and Clean Water Acts.*** The need for EPA to have a role in the NEPA process should be examined in states with primacy under federal statutes, such as the Clean Air Act and the Clean Water Act. In primacy states, EPA's NEPA review role is redundant and does not add any additional measure of environmental protection.

Thank you for the opportunity to comment on the CEQ draft guidance in promoting efficient NEPA environmental reviews.

Sincerely,

Resource Development Council, Inc.



Carl Portman
Deputy Director

cc: Governor Sean Parnell
Senator Lisa Murkowski
Senator Mark Begich
Congressman Don Young